

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

ERIC DONNELL HOLMES,)
Plaintiff,)
v.) No. 1:21-cv-00037-JPH-MJD
UNITED STATES GOVERNMENT,)
ELECTORATES Any and All,)
Defendants.)

ORDER

I. Filing Fee

Plaintiff, Eric Donnell Holmes, **shall have through February 5, 2021** to pay the \$402.00 filing fee or demonstrate that he lacks the financial ability to do so. If he seeks leave to proceed *in forma pauperis*, his motion must include a copy of the transactions associated with his institution trust account for the six-month period preceding the filing of his complaint on January 4, 2021. 28 U.S.C. § 1915(a)(2).

II. Jurisdiction

Mr. Holmes has filed a *pro se* complaint alleging that President Donald Trump "did not receive a fair and equal opportunity" in the recent presidential election and therefore "should apply for automatic re-election." Dkt. 1.

Federal courts are courts of limited jurisdiction, and "must determine that they have jurisdiction before proceeding to the merits." *Lance v. Coffman*, 549 U.S. 437, 439 (2007). "Article III of the Constitution limits the jurisdiction of federal courts to 'Cases' and 'Controversies.' One component of the case-or-

controversy requirement is standing, which requires a plaintiff to demonstrate . . . injury in fact, causation, and redressability." *Id.*

Mr. Holmes does not have standing to bring this suit. The Supreme Court has "consistently held that a plaintiff raising only a generally available grievance about government—claiming only harm to his and every citizen's interest in proper application of the Constitution and laws, and seeking relief that no more directly and tangibly benefits him than it does the public at large—does not state an Article III case or controversy." *Id.* A "personal stake in the outcome" is required, but Mr. Holmes has not alleged one. *Gill v. Whitford*, 138 S. Ct. 1916, 1923, 1931 (2018) (holding that "statewide harm" to plaintiffs' interests in representation and policymaking did not present "an individual and personal injury of the kind required for Article III standing").

Mr. Holmes shall have **through February 5, 2021** to file an amended complaint or otherwise show cause why this case should not be dismissed for lack of jurisdiction.

SO ORDERED.

Date: 1/12/2021

James Patrick Hanlon
James Patrick Hanlon
United States District Judge
Southern District of Indiana

Distribution:

ERIC DONNELL HOLMES
932132
INDIANA STATE PRISON
INDIANA STATE PRISON
Inmate Mail/Parcels
One Park Row
MICHIGAN CITY, IN 46360